UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/780,299 | 02/17/2004 | Patrick Calahan | ORACL-01330US1 | 9743 |

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| EXAMINER |
|---|
| TO, BAOQUOC N |

| ART UNIT | PAPER NUMBER |
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| 2162 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/780,299 | CALAHAN, PATRICK |
| | Examiner | Art Unit | |
| | BAOQUOC N. TO | 2162 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *23 December 2008*.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-32,35-40,43 and 45* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32, 35-40, 43 and 45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

# DETAILED ACTION

## Continued Examination Under 37 CFR 1.114

1.      A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection.  Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114.  Applicant's submission filed on

12/23/2008 has been entered.

> Claims 1, 4, 13, 15, 22-23, 25, 30, 32, 35-40 43 are amended.

> Claims 1-32, 35-40, 43 and 45 are pending in this application.

## Response to Arguments

2.      Applicant's arguments with respect to claims 1, 13, 23 and 43 have been

considered but are moot in view of the new ground(s) of rejection.

## Claim Rejections - 35 USC § 101

> 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

3.      Claims 13-22, 43 and 45 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.  Claims 13 and 43 recite computer-

implemented methods which does not produce any concrete, useful and tangible result.

The methods do not tie with a statutory class or transform the underlying data to a

different state or thing with world value.  Rather they are abstract ideas.


### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

This application currently names joint inventors.  In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary.  Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

4.      Claims 1-32 and 35-40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Desai Arpan (December 3-14, 2001) in view of Jakobson et al. (US.

Patent No. US 6,941,557 B1) and further in view of Lok et al.  (US. Pub. No.

2004/0028212 A1) and further in view of Wang et al.  (US.  Patent No. 7,062,507 B2)

and further in view

As to claim 1, Desai teaches a system implemented using a computer to process

XML document, comprising:

a streaming parser operable to parse an XML document to generate a stream of

discrete piece of the XML document (the XML) (page 1, line 12);

a matching component to perform the steps of:

accepting a discrete piece of the XML document  from the stream of

discrete pieces from the streaming parser at one time (without buffering portions

of the XML document) (page 1, lines 25-26);

keeping in memory only said discrete piece of the XML document of the

stream at said time (without buffering portions of the XML document) (page 1,

lines 25-26);

said matching component runs on one or more processor (page 1, line 12).

Desai does not explicitly teach maintaining a plurality of contexts associated with

said discrete piece of the XML document; performing a match against each of the

plurality of context on said discrete piece of the XML document form the stream;

notifying an observer when the discrete piece of the XML document is matched discrete

piece of the XML document, wherein when the discrete piece of the XML document is

not a matched discrete of the XML document the observer is not notified; said observer

operable to listen for the matched discrete piece of the XML document and passing it to

a user object; and said user object operable to handle the matched discrete piece of the

XML document.  Jakobson discloses maintaining a plurality of contexts associated with

said discrete piece of the XML document (the network management context must

exhibit some level of intelligence in analyzing the incoming events, understanding the

surrounding management context...) (col. 2, lines 7-12).  This suggests the

management of the context of incoming events.  Therefore, it would have been obvious

to one ordinary skill in the art at the time of the invention was made to modify teaching

of Desai to include the management of the context of incoming events as disclosed

Jakobson in order to allow the compare and matching.  Lock discloses performing a

performing a match against each of the plurality of context on said discrete piece of the

XML document form the stream (The loaded XML documents are parsed and a DOM

objects is kept in memory.  By doing so, the request/response time can be significantly

reduced, resulting in lower response times.  On request of configuration data from any

CC Portal component, the DOM tree is searched for the requested configuration data.

CM uses standard-based XML, query mechanisms (XPath, XQuery) to find the data

from the DOM object.  The result is sent as a XML message to the UMR for routing

purposes) (col. 6, lines 0087).  This suggests the matching using the query mechanism

such as XPath or XQuery and DOM is routed to requester.  Therefore, it would have

been obvious to one ordinary skill in the art at the time of the invention was made to

modify Desai's system to include the matching using the query mechanism such as

XPath or XQuery and DOM is routed to requester as disclosed by Lok in order to allow

object to be queried.  In addition, Desai does not explicitly disclose notifying an observer

when the event is a matched event, wherein when the event is not a matched event the

observer is not notified; said observer operable to listen for the matched event and

passing it to a user object; and said user object operable to handle the matched event.

However, the claim limitations only require one condition to be satisfy for example said

observer operable to listen for the matched event and passing it to a user object; and

said user object operable to handle the match event.  On the other hand, Wang

discloses one condition to be satisfy for example said observer operable to listen for the

matched event and passing it to a user object; and said user object operable to handle

the match event (inserting at least one XML document from a data source into an XML

parser; providing a matcher to receive at least one event from the XML parser and to

deliver the matched profile Ids to the profile and user manager) (col. 3, lines 32-36).

This suggests the object is being passed to the user manager.  Therefore, it would have

been obvious to one ordinary skill in the art at the time of the invention was made to

modify the Desai and Jakobson and Lok system to include the object is being passed to

the user manager as disclosed by Wang in order to reduce memory consumption.

As to claim 2, Desai teaches the system according to claim 1, wherein: the XML

document is represented in a hierarchical structure (DOM) (page 1, line 14).

As to claim 3, Desai teaches the system according to claim 2, wherein: the

hierarchical structure is a tree with each node containing a portion of the document

(DOM) (page 1, line 14).

AS to claim 4, Desai teaches the system according to claim 3, wherein: the streaming parser generates the stream of discrete pieces of the XML document by: traversing the XML tree and adding visited nodes into a data structure (DOM) (page 1, line 14);

processing the nodes in the data structure and generating pieces of the XML document for each node (DOM) (page 1, line 14); and

appending the pieces of the XML document to the output stream (DOM) (page 1, line 14).

As to claim 5, Desai teaches the system according to claim 4, wherein: the tree is traversed using a breath-first or depth-first search (DOM) (page 1, line 14).

As to claim 6, Desai teaches the system according to claim 4, wherein: the data structure is a queue (DOM) (page 1, line 14).

As to claim 7, Desai teaches the system according to claim 4, wherein: the data structure is processed using a first-in-first-out approach (DOM) (page 1, line 14).

As to claim 8, Desai teaches the system according to claim 1, wherein: the matching component keeps only a portion of the XML document in memory at any given time (without buffering portions of the XML document) (page 1, lines 25-26).

As to claim 9, Desai teaches the system according to claim 1, wherein: the matching component knows the schema of the XML document and foreseeing the coming events (without buffering portions of the XML document) (page 1, lines 25-26).

As to claim 10, Desai teaches the system according to claim 1, wherein: the match is an expression-based match, which can be an XPath query (XPath query) (the simplest definition/explanation for SXPath is that it is the subset of XPath which allows for queries which allow for a determine within a streaming document whether a given node is a match for the query and allows the expulsion of needles buffering of the past and current nodes" (page 1, lines 30-33).

As to claim 11, Desai teaches the system according to claim 3, wherein: the matching component keeps, clones and destroys the entirety or a portion of the sub-tree descending from a node in the tree (DOM) (page 1, line 14).

As to claim 12, Desai teaches the system according to claim 1, wherein: the user object returns the matched event to an XML stream for use by any other component (the simplest definition/explanation for SXPath is that it is the subset of XPath which allows for queries which allow for a determine within a streaming document whether a given node is a match for the query and allows the expulsion of needles buffering of the past and current nodes" (page 1, lines 30-33).

As to claim 35, Desai teaches the system according to claim 1, wherein: said matching component can perform the step of accepting another event at said t time (without buffering portions of the XML document) (page 1, lines 25-26).

As to claim 36, Desai teaches the system according to claim 1, wherein: said matching component can perform the step of accepting another event at a different time (without buffering portions of the XML document) (page 1, lines 25-26).

Claim 12 is rejected under the same reason as to claim 1.

Claim 13 is rejected under the same reason as to claim 2.

Claim 14 is rejected under the same reason as to claim 3.

Claim 15 is rejected under the same reason as to claim 4.

Claim 16 is rejected under the same reason as to claim 5.

Claim 17 is rejected under the same reason as to claim 7.

Claim 18 is rejected under the same reason as to claim 9.

Claim 19 is rejected under the same reason as to claim 9.

Claim 20 is rejected under the same reason as to claim 10.

Claim 21 is rejected under the same reason as to claim 11.

Claim 22 is rejected under the same reason as to claim 12.

Claim 37 is rejected under the same reason as to claim 35

Claim 38 is rejected under the same reason as to claim 36.

Claim 23 is rejected under the same reason as to claim 1.

Claim 24 is rejected under the same reason as to claim 3.

Claim 25 is rejected under the same reason as to claim 4.

Claim 26 is rejected under the same reason as to claim 5.

Claim 27 is rejected under the same reason as to claim 7.

Claim 28 is rejected under the same reason as to claim 8.

Claim 29 is rejected under the same reason as to claim 9.

Claim 30 is rejected under the same reason as to claim 10.

Claim 31 is rejected under the same reason as to claim 11.

Claim 32 is rejected under the same reason as to claim 12.

Claim 39 is rejected under the same reason as to claim 35.

Claim 40 is rejected under the same reason as to claim 36.

### *Allowable Subject Matter*

5.      Claims 43 and 45 are allowed over prior art made of record when applicant

overcomes 101 rejection.

The following is an examiner's statement of reasons for allowance:

As to claim 43, Examiner agrees with applicant argument that "Desai does not

return said discrete..." on page 9 filed on 12/23/2008.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee.  Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

## *Conclusion*

6.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-mail BaoquocN.To@uspto.gov.  The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
        Commissioner of Patents and Trademarks
        Washington, D.C. 20231.


The fax numbers for the organization where this application or proceeding is assigned are as follow:
        (571)  273-8300 [Official Communication]


/Baoquoc N To/
Primary Examiner, Art Unit 2162